

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, MAY 1, 2000

C Mathewson called the meeting to order at 7:05 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Mathewson, Petersen, Purcell, Torre, Wiecha (arrived 7:30), Gibson
Absent, Commissioners: Chair Parsons.

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, Senior Planner Livingstone, Assistant City Engineer Jones, City Attorney Savaree, Recording Secretary Flores

AGENDA STUDY SESSION: None

AGENDA AMENDMENTS: C Mathewson deferred draft minutes from March 7, 2001 to next meeting.

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

Resolution for amendment to sections 8.14 & 8.4.1 (Parking) Belmont Zoning Ordinance Consistent with Action Taken by the Planning Commission on April 3 & 17, 2001.

C Torre was concerned that this resolution does not have an expiration date, which was what she had previously assumed in past discussions. She remembered it being a sunset clause although she did not remember the exact wording. She asked CA Jean Savaree for clarification. CA Savaree said it would have to be reviewed and it does not automatically sunset. C Torre wanted to know if it could be passed with appropriate amendments. CA Savaree said they could pass it with an amendment if it did not accurately reflect her direction. C Torre admitted it is not really her issue, but she would still like for it to be a sunset clause and for it to include words that said that the requirement would expire unless otherwise reviewed or reinstated. This way it would expire 7/12/06 unless readopted at that time.

C Purcell admitted to having made the motion to have the amendment, but did not agree with the language as stated "for consideration of comments and amendments if necessary to improve implementation." She wanted the automatic expiration and different wording. She corrected it to read, "to determine whether this amendment is effective in promoting the goal of significantly reducing on-street parking." She said that if it was not effective, it was not worth renewing it and instead they should look to other measures.

MOTION: By C Purcell, seconded by C Gibson, for the Planning Commission to recommend to the City Council an amendment to the Zoning Ordinance regarding the parking standard for single family residences with the newly proposed wording and shall expire 7/12/06

Ayes: Peterson, Gibson, Purcell, Torre, Mathewson
Absent: Parsons, Wiecha

STUDY SESSION:

6A. U.S. Highway 101 Bicycle/Pedestrian Bridge Project.

Duncan Jones introduced Bridge Engineer and Project Manager Mark Ashley, whose purpose was to update the Commissioners on the project. It was last discussed in January with a summary of public input and the conceptual designs for the bridge. There have been eleven meetings since January to discuss the two options possible. They are trying to gauge the public sentiment on the issue. The presented map had the original alignments run down and over Oxford and into the park and they also had two alternative alignments, one along Old County Road through the school and the other one on Cornish Road. Several more were proposed but they, along with the alternative alignments, were dropped because of a lack of public support as well as Caltrans and engineering problems. One alignment along Ralston Avenue and up the southbound off ramp that still remains under consideration.

Issues raised by the public include controlling access to and from the bikeway for security at the school, people's homes, apartment buildings and on the bridge itself. The police department was concerned about providing access and lights on the bridge so that they can maintain security and enforcement. The bike path along the ramp was considered to be more favorable because it could be considered a bike road with a Class 1 bikeway, which would be dedicated to bicycles and pedestrians whereas the other routes through Oxford Way have the bicycles on the street with the cars unless some parking was removed on one side of the road. Another big issue was the loss of parking if a bicycle lane were to be put on the road or through the apartment complexes. There would need to be increased safety at the intersections that the bikeway would cross. It was mentioned that other intersections in the area need improved safety as well, especially since it is near a school. A critical factor was that they were looking at connecting with the south ball field but it looked like as if it may be better to route through the north ball field because there would not be a need to relocate any fence. Using the south ball field would mix pedestrians with bicyclists and possibly cause problems. He then broke it down into six segments and options for access points and routes.

Mark Ashley gave a synopsis of the public meetings that have been held. They wanted maximum input to create a bridge that would be the signature of the Belmont community. There were three conceptual design workshops. The first was to show the participants the options and receive initial input. The second workshop was a follow-up of alternatives that matched the vision statements from the first workshop.

The architect, Ricardo Ravinez, showed the outcome of the second workshop. If people want a signature bridge, alignment would need to be figured out. He went through several options and alternatives to meet the desires of the public. The details had not been resolved for each plan, but they are working out the trouble spots. There was a clear majority on which of the alternatives the public preferred.

Ashley said that the last workshop would be May 30, 2001 and it would focus on the alternative they have been directed towards and develop it further for a complete presentation with finished graphics hoping to get a consensus from the workshop attendees. Duncan Jones said that nine people were participating in the workshops but it was a clear majority.

C Petersen said although the project appeared well thought out, she was concerned that even though it was a majority, there were not very many participants. She hoped more people would attend the next workshop on May 30, 2001 in the Twin Pines Building from 7-9pm. She suggested bringing the options to other community functions that tend to have a higher outcome attendance. She was concerned about the difference in costs between projects. Jones said that the relative costs were laid out the last time this project was discussed at a meeting. The favored choice was a less-costly bridge. C Petersen was concerned about the curve of the bridge in the popular design versus the angle in the drawing of the conventional bridge. She suggested that the curve may be part of the reason people have liked that particular option and the discrepancy may affect their choice. Jones said that at the workshops there were engineering drawings to go along with the architectural drawings and they were currently attempting to work the curve into the plans. Jones admitted that there was a problem trying to get the curve in alongside the freeway and still get clearance over the apartments. He said they would look at the issue of the curve along with the other technical issues they were working on.

C Mathewson was concerned about making a decision based on such a small group of participants. He expressed that it was important for the public to be involved in City activities and maybe a survey of the City's residents should be taken. A suggestion was to post some pictures at the Farmer's Market that was coming up.

C Purcell questioned the difference in magnitude between the suspension bridges. Ashley said that it was a small project and the cost would depend on market forces and the number of interested contractors. There was not a lot of good cost data because it was not a common project. They were looking at a factor of 2, maybe 3 but they were not sure yet. There were a lot of variables especially with ornamentation. Jones said that the bridge portion of the cost was \$700,000 and the total quoted amount was 2.5 million, but it could go as high as 3.5 million. They currently had 1.7 million set aside to do the project.

C Wiecha mentioned a more modest approach, giving the example of the Portland Station Railroad Bridge, which only cost 1.5 million. She suggested a twin tower instead of a single tower to bring the cost down. She thought that it looked like a copy of the Bay Bridge and wanted it to be more original.

Duncan Jones said that there would be only one chance to do this properly and make a statement, yet overall, he was not happy with the favored option and wanted it to be more dramatic.

C Wiecha said that Belmont residents, especially kids, will be using the bridge and maybe kids needed to give their opinion as well. She put an emphasis on the human scale and very little on the opinion of people who are simply passing through Belmont. She wanted to be sure that the residents would be happy.

C Petersen wanted to know about the view of the bridge in relation to the other buildings behind, such as the Oracle buildings, which would be largely noticeable to anyone viewing the bridge. She thought that something too dramatic over a freeway seemed a little odd.

C Wiecha suggested a voting at the local library to go along with the schools.

C Petersen complimented Jones on his efforts. Jones mentioned the biggest consideration was that they needed more public opinion.

6B. El Camino Real/Ralston Avenue Intersection Landscaping Project.

Presentation by Kathleen Phalen. The two components to the plan were the areas in front of the retaining walls in front of Blockbuster/Max's and the street trees on the El Camino Real sidewalk between Emmett and Ralston. The street trees selected were lemon palm trees which looked like a sycamore to coordinate with the strip south of Emmett. It would be a disease-resistant, tall, and high canopy as to not interfere with traffic. It also accepted pruning. The plan was to place four trees between Emmett and Ralston and three trees north of Ralston. Closer spacing of trees appeared to make the outcome more attractive. The cost was primarily for grates. There would be irrigation through for each tree along with lighting. The total area would be less than 1000 sq. ft. There were specifications that it must be attractive, durable, low maintenance, low water usage, low pesticides, as well as coordinate with all the other plants in the area. Flowers, shrubs, and ground cover had all been looked at.

C Purcell mentioned how there was not a single native plant in the plans. Questions about the London plane tree and the amount of allergens would be in these trees and public landscaping arose. However, there was no known answer.

C Gibson was worried that there would not be enough room for strollers and wheelchairs due to large planter boxes. He was told there would be no loss of sidewalk. There was concern that the handicap ramp did not have enough mobility space. A solution was to plant closer to the building and let the plants fill in.

C Torre wanted to know what the spacing was between the trees near Emmett that this layout was trying to complement. It would be important in knowing the density. Phalen responded that it was 35ft. The distance between the Emmett trees was about five feet more than the presented plans (35 versus 30 feet). The cost estimate was \$45,000. The five additional trees brought it to about \$62,000.

C Mathewson asked whether a smaller grate than the one presented on the drawing could be used in order to help with the wheel chair accessibility issue. Phalen responded that it was a possibility, but that the architects recommended those grates for the size of the trees. There was concern as to not block the wheelchair ramp in front of Blockbuster. Other concerns included not blocking signs on El Camino Real and the windows of the Blockbuster building.

C Petersen mentioned that she was glad to see trees in the plans and thought it would look good.

C Wiecha voiced her concern about the plant colors. The colors were pink and yellow while the Village Center was green, brick red, and beige. She suggested a less-striking color combination, such as green. Phalen said that the architect would look at color combination of the surrounding plans. He had not previously been asked to coordinate with the building colors. C Wiecha suggested using a more white and either pink or yellow instead of both. She liked the extra tree spacing even though it was a little closer than that south of Emmett. A suggestion was to get rid of one of the trees and make the spacing more like Emmett, which would also cut the cost of an expensive tree grate.

PUBLIC HEARINGS:

Public Hearing- 1240 Elmer Street: To consider a Negative Declaration, Design Review, Conditional Use Permit and Variance to construct a five-unit apartment building. The building would replace an existing single family home on the site. The units would range in size from 774 to 1,535 square feet. A Variance is required as the Belmont Zoning Ordinance requires that each unit have one garage parking space and one open parking space. The applicant would be required to have five open spaces and five garage spaces, for a total of ten parking spaces. The applicant is proposing 10 carport-parking spaces and one open parking space. The carport spaces do not count as a garage space and therefore a variance is required. (Appl. No. 00-1076); APN: 044-333-070; Zoning R-4 Multiple Family Residential; CEQA Status: Negative Declaration; Frank Gonsalves (Applicant); Bill Rehlich (Owner)

SP Livingstone summarized the staff report and recommended approval.

C Purcell mentioned that she lives just outside of the 500-ft limit and therefore did not need to recuse herself from voting on this project.

Frank Gonzalves, 490 El Camino Real in Belmont, mentioned how this project had been approved in the past but the approval had expired. At this point, there was no security gate but one could be added to the plans if the Commissioners want it.

C Purcell said the neighborhood did not want a gate because a gate would make it look unfriendly and non-residential. She did not want it there herself.

C Torre asked for the carport code because she was unclear as to when a carport can be considered a garage.

CDD Ewing said staff was going to take parts of the municipal code up to the Council with the Commissioners' recommendations on parking, including the clarification on the use of carports. It would be paired up with the Commissioners' recommendation on the Zoning Ordinance amendment and recommending elimination. Staff did not have the code with them but a very general statement about a carport was that they could be treated as a garage. Staff stated generally that carports could be treated as garages.

Gonzales mentioned that the carport would be closed on three sides. He said that if a garage became necessary, it would probably destroy the whole project because of a space limitation. As a source of comparison, the apartment houses in the area near this one have carports, which were exposed to the street.

C Mathewson suggested putting more earthquake proofing on some of the walls for a more stable building.

Gonzales mentioned there have been no changes on the plans from the last time they were approved. The only difference was that this presentation was using undated codes not the 1994 structural codes.

C Mathewson questioned the Building Department's condition that storage cabinets shall not reduce the parking space length to less than 18 feet minimum. There was a question of whether a cabinet could be

suspended over the space where the hood or trunk of a car would be and whether that was still preserving the 18-ft length.

C Torre asked what specific elements were tied in with the complexes across the street. Gonzales answered that the elements included the heavy wood, trellis, and fence.

C Purcell noticed that the colors chosen were complimentary to the projects across the street, yet didn't match the dark building directly next door to give too much darkness in a small vicinity. She preferred to not have the privacy fence but said that if it was necessary to protect children or such, then she could understand. This project would have an impact on the surrounding traffic because the five units could lead up to fifty more cars per day on a street that was already overloaded with traffic. Its location was ideal for people to head south onto Harbor and El Camino instead of actually driving on Elmer Street, which may take away some of the traffic. She says that she was not fond of the landscaping and would prefer to see more native landscaping. She complimented the owner and applicant for the great job of diversifying the project by offering different sized apartments.

C Petersen said that the applicant needed to consider the impact of the additional cars.

CDD Ewing stated there has been discussion of adding projects that included more than just single family. He believed that the threshold for triggering a traffic study was too high. The General Plan had not adopted a level of service threshold by which to evaluate what was too much. It was hard to evaluate a project when there was no policy. This needed to be solved with a revised General Plan.

C Torre wanted to know if the City Council could address the revision. CDD Ewing stated that the City Council was committed to updating the General Plan. For policy, the City had said what its definition of congestion was for the City. When Traffic Studies were reviewed, the City had to make a judgement about each individual project, which could lead to inconsistency. He mentioned how years ago, this project was approved with the added traffic flow but now the project had to be reviewed with the current opinions from the community.

Open Public Hearing

MOTION By C Purcell, seconded by C Petersen, to close the Public Hearing.

Motion passed.

CDD Ewing quoted from the Building section of the City Municipal Code section 7.15. A carport "may be" considered a garage depends on whose discretion was used. Because of the wording, CA Savaree told CDD Ewing that the applicant could propose a carport as a garage. However, City should determine criteria to judge whether they could be considered the same. Without criteria, the applicant had the choice.

CA Savaree did not believe that the Zoning Ordinance and Municipal Code were in conflict. It would need to be stated that specific findings must be made in order to require that a garage be present instead of a carport, but that was not currently included. However, looking at a 1978 1998 Staff Report, which included part of the code, could help clarify.

C Purcell said that because this is a Design Review, they should examine new properties for guidance. Since other complexes in the area have open carports, maybe that should be considered a factor. CDD Ewing said that Design Review should focus on the building materials, not the site plan, being compatible with the neighborhood.

C Gibson asked if the code was in electronic form. CDD Ewing told him that it was not, and added that the Zoning Code was not currently available because it is off the Website while it is being updated.

MOTION: By C Purcell, seconded by C Wiecha, to approve the Negative Declaration, Design Review, and Conditional Use Permit with the condition to review the landscape at a future meeting and that the words "shall not" be added to the parking space condition.

Ayes: Torre, Purcell, Gibson, Petersen, Wiecha, Mathewson

Absent: Parsons

C Mathewson announced that the item may be appealed to the City Council within 10 days.

C Mathewson called for a break at 8:56pm and the meeting resumed at 9:05pm.

Public Hearing - 1 Davey Glen Road: To consider a Conditional Use Permit to establish a Detailed Development Plan (DDP), and Design Review and Tree Removal Permits to construct 32 single-family homes and relocate the historic Ross House west of the units. The Detailed Development Plan includes dedication of a 1-acre portion of the site to the City of Belmont as a park, and provision of a scenic easement on an additional 3.6 acres of the project site. The residential units range from 2,281 to 2,506 square feet in size and on-site parking would be provided for 93 vehicles for the units. The Conceptual Development Plan for this project was approved by the City Council on October 24, 2000. (Appl. No. 00-0043); APN: 044-162-130; Zoned: Planned Development (PD); CEQA Status - Adopted Mitigated Negative Declaration; Regis Homes (Applicant); Gene and Mary Lee (Owners)

PP de Melo summarized the Staff Report.

C Purcell asked about the make-up of housing stock in Belmont. PP de Melo said it could not be provided that evening. CDD Ewing said that Thursday night, the Consultant for the Housing Element would be making a detailed presentation, which would provide updated information that he would then be able to bring to the Commissioners.

C Wiecha asked about the Mitigation Monitoring. The implementation of the monitoring was left to the City, and she asked if it was possible to instead put the burden of self-monitoring on the applicant, who would then report to the City. Her concern was a time and resource factor and felt that some duties should primarily be the responsibility of the applicant and secondarily the responsibility of the City. CA Savaree said that it was possible as long as there was a Condition of Approval that stated this.

C Gibson asked why a twenty foot driveway was necessary for the house when this would lead to more paving and grading. PP de Melo responded that the Fire Department required twenty feet to provide two-way access. The standard would be reduced if it were a 1-way access.

C Gibson referred to finding four, quoted Ordinance 957, and asked if there were any supporting numbers. PP de Melo answered that in terms of the evaluation of the economic benefit or burdens to the City, there are no numbers. However, staff believed that the proposal would not burden the City by taxing City services.

C Mathewson asked how the Commission should deal with the accumulated impacts of multiple projects all at the same time. CDD Ewing answered that the Commission needed to update the General Plan in order to look at the effects for the community and neighborhood. When deciding on a specific project, they should look at the site's zoning rules and not the cumulative effect.

C Torre said that there was an opportunity in the Negative Declaration to look at the cumulative impact, and this specific project did in fact have a Negative Declaration. She then spoke about the parking and how some of the public parking on Davey Glen would have to be taken out in order to allow visibility for other people driving down Hillard. Davey Glen. She asked why it was not possible to have an access through lot 3 and have it be a non-private access. PP de Melo answered that the project was basically three components, residential, a historic home parcel, and a 1-acre City Park parcel. A factor for creating a secondary home access was the potential removal of additional trees, which would reduce privacy. He mentioned that earlier, the Council struggled with parking and traffic calming issues. There were specific requirements placed on the project at that time (October 2000). There were measures to reduce the speed on Davey Glen, such as providing traffic calming within the actual development to improve access and safety. The applicant had been working with the Public Works Department and might go through a Traffic Calming Process.

C Torre asked if there would be more tree removal if there were a second road. PP de Melo said that it there would be. C Torre said that the project has already graded lot 3 and the amount of additional pavement would be less than the road to Davey Glen. C Torre asked whether the park would be open space or turned into a playground. PP de Melo answered that the applicant had been working with the Parks and Recreation Department but was still in the preliminary stage. It looked as though it would be a neighborhood park with trails, benches, drinking fountains, and a sand box area. It would not have a pool because it was going to be more passive in nature.

C Torre asked about there being a pond on the property. CDD Ewing responded that the property was approved for a 1-acre park, which could not be developed, modified, or landscaped, and that only brush clearance by the Fire Department was allowed. The pond was preserved under the scenic easement that was associated with the Conceptual Development Plan for this project. The Detailed Development Plan had to conform to the Conceptual Development Plan, which addressed the pond and the driveway.

C Wiecha asked if the applicant was responsible for the cost to develop the park site. CDD Ewing said that Parks & Recreation was in charge of the park. He said that the applicant was dedicating the land but the City was paying for the development.

C Purcell asked if the details of the Conceptual Development Plan could be figured out with the Detailed Development Plan. CDD Ewing said that there was an inconsistency among Conceptual Development Plans. He suggested that the code might have to be changed so that the Commissioners were getting what they wanted out of the process. C Purcell mentioned how the project began with 3 and 4 bedroom units and now there are only 3 bedroom units.

C Torre mentioned that Traffic Calming was usually discussed later in the process, however the most essential part of traffic calming was how many driveways go out on the street. She wanted to see how necessary it really was for two driveways.

CDD Ewing was concerned with the process. The Commission appeared to be taking an approved conceptual plan and then coming back to the Detailed Development Review and looking at everything again. C Torre wanted to know where the actual Conceptual Development Plan approval by the Council was. She thought that it was good to have the two stages and it was not fair to the applicant or an effective use of resources to reopen projects all the time. C Torre asked that since the Commissioners did not have a copy of the approved Conceptual Development Plan to do their comparison, if they could read what the plan said about the parking.

PP de Melo said that the plans were the same as the ones approved last October. He said that the Detailed Development Plan was supposed to serve as a refinement of the details of architecture and landscaping. The homes that had already been approved by the Commission and Council were in the exact same location. However, it was correct that there were no longer any four bedroom units. The actual Conceptual Development Plan in comparison to the current plans show virtually no differences in the driveways, landscaping, architectural design, or interior floor plan. plans. The details being shown focus on the conditions for a establishment of a conditioning permit to establish a Detailed Development Plan and the Design Review entitlement. to confirm the architectural proof of those that were denoted within the city limits. The conditions were denoted in Resolution 88-79, and PP de Melo quoted the Resolution. The applicant had worked with Public Works and decided to go through the Traffic Calming process and other measures to improve the circulation of traffic.

C Torre said that traffic would appear to be better if the two driveways were located closer together. She admitted that the past plans had included a lot of detail. She mentioned that she would be curious about what the City Council had to say about the issue. She asked Terri Cook what issues had already been settled in past meetings. Cook says said that she was unable to answer that question because she was not at the meeting and since she lived across the street, she was recused.

C Purcell said she felt that what the staff had been explaining was in direct contradiction with what she had heard from the staff and others before. She doubted that she would have voted in favor of the Conceptual Development Plan if she had understood that she would be able to speak to specifics at the Detailed Development Plan meeting. CDD Ewing said that there was a question about where Conceptual Development

ended and Detail Development began. He admitted that this project might not be consistent with the way it has been done in the past.

C Purcell said that when the Conceptual Development Plan was presented, concerns about the driveways were mentioned and the Commission assumed that it would be addressed. She said that her questions about the driveway, tree removal, and diversity of housing appear to not be appropriate at this level. CDD Ewing stated that the diversity of housing was a settled issue because of the approval granted by the City Council. C Purcell read about the construction of new housing from the staff report that spoke about a variation in unit size and bedroom count for different affordability levels. She wondered how young and/or single people were supposed to get into the Belmont housing market. She said that Belmont was severely lacking in one-bedrooms and studios. She admitted that she would vote no if the complex was only going to include three-bedroom houses because she did not feel that that would comply with the General Plan.

C Torre said that although she could understand continuing this item to explain it further, she was concerned philosophically because she felt that the resolutions at the end of a Conceptual Development discussion did not make clear which issues they were voting on. CDD Ewing said he couldn't establish that they voted on those particular topics but he could show them that the topics were included when the motions passed the Commission and Council. C Torre said that for the future she did not want to keep reopening the same issues. She believed that Belmont usually investigates projects adequately and therefore should not have to revisit items at the micro-level multiple times.

C Wiecha stated that she'd seen several projects dealing with the same topics and what had normally been done with the Detailed Development Plan was that the site plan was accepted with minor modifications. She did not think that this was a significant revision. However, she did not believe that this project ever met the goals of the General Plan in terms of diversity but was approved and not worth reopening. But if the applicant was asked to make studio, one, and two bedroom apartments, that would be a substantially different project than the one approved. She thought they should simply look at the architectural details, grading, finishes on grading walls, and parking details because this was typical for Design Review. She understood some Commissioners were not present at the time and therefore thought they should be able to make their comments now.

Dan Diebel, architect, offered to come back although this was already the seventh meeting he had attended. He was disturbed by how much work had been done to follow the details of protecting the area and following the suggestions.

C Wiecha said she appreciated the scaling down of the project. She was concerned about parking of oversized vehicles. Diebel said that there would be CC & R's in on guest parking. C Wiecha asked what finished materials were going to be used. Diebel said they were using cedar shingle, which is a wood product. He said that there was a condition for sprinklering throughout the project. C Wiecha asked about the retaining wall treatments. Diebel explained that they are eight to twelve feet. The walls would be keystone, tan, split-face nodules w/ a stucco-like finish. She then asked staff about retaining walls on single family residences and about the condition that retaining walls visible from the public right-of-way need to meet certain criteria. Her concern was for the retaining wall type and selection. She thought that at some areas, it would be visible to the public and therefore there should be a specific condition about compliance. Diebel said they made this type of wall because it would have the least effect on the land. C Wiecha did not think that the concrete finish was in keeping with the historic nature of the building and the extraordinary expense of moving the building. She wanted another type of treatment since the wall was four and a half feet high and would be a substantial element to the entry of the house.

C Wiecha asked about the landscaping and plant selection and listed plants that deer prefer. Since there were a lot of deer in the area currently, deer should be considered. Otherwise, she liked the plan.

C Purcell knew that the project had taken a long time but was still unclear on the concept of it. She thought that the Detailed Development Plan was the final refinement and was not aware that there were limitations on which particular aspects were to be finalized. She wanted staff to clarify so the Commissioners would know what comprises each of the two stages and how to move from one stage to another. Her concern was not about this specific project, which she thought was excellent, but about the process. She had a question about the long pedestrian path. Diebel described the pedestrian path as having no east-west path, only north-south. There was no way to get through the landscape. In terms of access to the school, that

suggestion was not something that was desired by the school, project, or Public Works Department. Instead, there would be a fence along the property line.

C Purcell mentioned that the County of San Mateo had stopped allowing the building of wood burning fireplaces on County developments and wanted all the fireplaces deleted from the project for better air quality.

C Torre said that she thought the style was high quality and it was obvious that it taken had tremendous work. Her concerns were about the whole process and about clarity of what's been acted on. Diebel answered her question about the location of the Ross Woods House. He said that they were looking for the highest location with as small of an impact on trees as possible. It would not be obviously visible from El Camino Real because of the height.

C Gibson was overwhelmed from not being present for earlier stages of the process.

C Mathewson said the project has far fewer problems than it did during the last stage. The project now had more variety and angles. He felt the Commission went through a lot with this project, as did Diebel.

C Purcell wanted to know what exactly she was supposed to be approving at each stage. In the previous discussions, she didn't remember seeing General Plan consistency in the Staff Report, and she could not find that this project met the housing standards of the General Plan because of the lack of variety. She did however like the project. She suggested that it be continued so as to allow the Commission to get more guidance from staff before voting.

C Mathewson said that it was not possible for low and moderate-income families to live in the complex. The extra land caused the complex to be more costly. He asked what kinds of Traffic Calming measures have been taken as of yet. CDD Ewing said that authority had been given to Public Works through Traffic Calming to work with the applicant, with the results unknown.

C Wiecha was concerned about the Commission getting involved in the Traffic Calming with reasoning being that in order for Traffic Calming to be effective, there has to be a consensus in the neighborhood. She thought that it should be left to those who use the street. With Duncan Jones's guidance, she felt that they would do what they felt was appropriate and that the topic may be outside of their area of expertise.

C Mathewson agreed and posed a question about the implementation and monitoring method and wondered if there was an agreement with the Police Department to increase speed limit enforcement on Davey Glen. Diebel said that no one could commit to policing the streets more than they already are.

CDD Ewing discussed a few points from the memo to the City Council which was the result of the Conceptual Development Review. It identified that the Commission had raised concerns about parking, driveways, and downhill speeds. From the memo came the Mitigation and Traffic Calming measure. The Council's influence helps explain the gap between what the Commission previously saw and how it appeared tonight.

CDD Mathewson inquired about the fire alarms and how long batteries last with rolling blackouts.

C Purcell spoke to the Plan Summary stating that there were ninety-four bedrooms in the project but really there are ninety-six bedrooms.

C Mathewson posed a question to the staff about the Mitigation Monitoring and Reporting Program. He wanted to know if the City had the staff needed to carry this program out. CDD Ewing said they would.

Diebel said that there would be final reports and documentation about the Mitigation Monitoring from each of the people he had hired to complete the process.

C Mathewson had heard from Council and Commission that this has been in process for years now and it was the first project that has put out the effort to meet every posed suggestion, including less grading, tree preservation, and reduced density. He said he was looking forward to having the project completed.

C Mathewson opened the Public Hearing.

Gene Lee, property owner, said that this project has taken eight years and has cost him half a million dollars to get to base one. When he bought it, it was zoned for one hundred and forty units. He wanted to know how much longer this was going to continue. He said that he has submitted plans to the City that were then lost. He was frustrated that it has taken so long but understood that Council and Commission members have changed in the last eight years and therefore there are new opinions about the project.

MOTION: By C Wiecha, seconded by C Torre, to close the Public Hearing.

Motion passed.

C Torre asked what kind of lighting was going to be used and what standards were going to be followed since lighting would be visible. Diebel answered copper on black poles with a fourteen foot maximum height.

C Torre asked how many votes were needed for this project to pass because she noted that three of the Commissioners had minimal exposure to the project. CDD Ewing answered that the project needed four positive votes or in the case that a Commissioner abstained, it simply needed the majority.

C Wiecha felt that items number 1, 2, 3, 5, 6, 7, 10, 12, 13, 15, 16 needed to be revised or reworded to focus the burden of monitoring on the applicant. She was concerned about construction-related noise, compliance with conditions, and grading. She did not think that the keystone walls were attractive and wanted a condition for the landscaping plan that included vines to cover up the walls. This would be similar to Sixth Avenue. She thought that the building finishes were too nice to be done by the keystone walls.

C Purcell asked to be given a better sense of where the retaining walls were located. C Purcell said that they were along the driveway, one being one to two feet high and the other being four to five feet high, and she wanted to be sure that they would comply with current zoning. She wanted them compatible with the other exterior materials of the project. CDD Ewing confirmed that the keystone walls needed to be planted out and the low retaining walls needed the previously specified finish.

C Purcell asked for guidance on the resolution because she could not locate the findings on in General Plan. She was unclear as to whether that was something the Commissioners should even be addressing. CDD Ewing pointed to the analysis in the Staff Report. He asked that the Commissioners look at Council Resolution 88-80, where Council voted that the project for thirty-two units met those two findings. C Purcell disagreed that it could meet the two findings. CDD Ewing said even if true, the Council made the decision anyway. Since the Council recommended the project to staff, staff was recommending it to the Commission.

C Wiecha read the resolution aloud and made a final comment that although she did not want to cut down excessive trees, she realized it was private property and the applicant has gone through the process. When it went up for sale, it was bought to build the complex, so the applicant had the right to proceed. She denied that she would add an amendment to delete the fireplaces but would put an amendment to require gas-burning fireplaces if possible. CDD Ewing said that the project was in the last phase in terms of mapping the larger subdivision so he wanted a condition to read "Prior to the recommendation of the final map, a public park of approximately one acre, shall be dedicated to the City and a scenic easement on the remaining 3.6 acres shall be executed under the in lieu of payment of park fees."

MOTION: By C Wiecha, seconded by C Torre, to approve the Resolution of a Detailed Development Plan and associated Conditional Use Permit, Design Review, and Tree Removal Permit for construction of the Ross Woods 32-unit Single Family Residential Development at 1 Davey Glen Road, as amended.

Ayes: Purcell, Gibson, Wiecha, Mathewson

Abstain: Petersen, Torre

C Mathewson announced that the item might be appealed to the City Council within 10 days.

C Mathewson called for a break at 11:00pm and the meeting resumed at 11:05pm.

Public Hearing - 1840 Robin Whipple Way- To consider a Single Family Design Review application to remodel the existing single-family residential dwelling by constructing a 997 square foot second story addition. The remodel will alter the design of the 2,078-sq.ft. home to result in a 2,872-sq.ft. home where the maximum permitted floor area for the dwelling is 3,065 square feet. Existing landscape will remain and no trees will be removed. (Appl. No. 01-0042); APN: 044-311-150; Zoned: R-1C (Single-Family Residential); CEQA Status: Exempt; David Hernandez (Applicant); Charlie & Jen Montgomery (Owners)

PP de Melo summarized the Staff Report.

C Torre confirmed that the parking requirements would still be operating under the old rules. It was the actual number of bedrooms that deciphered the requirements.

C Petersen referred to page 3 of the Staff Report and wanted to clarify the history of the project. PP de Melo said in February 2000 an application for an addition was proposed to increase the bedroom count from 3 to 5. Staff had recommended that the project also convert to a 2-car garage. The Commission required that the project be constructed like its proposal but did not required the 2-car garage. The Council then required a 2-car garage. The applicant in turn revised the project, and scaled it down, so that it does not have a new bedroom. The applicants currently meet the current parking ordinance.

C Wiecha questioned whether this project would be affected by the upcoming changes in the parking ordinance. PP de Melo stated that it would not.

Opened Public Hearing

MOTION: By C Wiecha, seconded by C Purcell, to close the Public Hearing

Motion passed.

C Torre said that although it was technically a 3-bedroom house, it appeared clear that the added playroom will be used as a bedroom either by the current owner or by future owners because of the placement of the second bathroom upstairs. However, currently there was no definition of a bedroom in the code.

Charlie Montgomery, owner, explained his reasoning for the new floor plan, stating that he was moving the washer/dryer out of the garage so that the garage would be more usable. The full bath in the back of the house was being converted into a half bath so they wanted to add a full bath upstairs, where it would house the washer/dryer. This was to help traffic from going through the master bathroom to get to the bathroom.

C Mathewson commented that a condition should be added addressing the fireplace, which currently goes into the garage by a few feet, and somehow change it so that the garage has more usable space. PP de Melo said that although any changes to the garage were not connected to what was before them currently, the Commission could put forward any condition they deemed fit because this was a Design Review so modifying the garage and fireplace could be a condition. Montgomery informed the Commission that the fireplace did not affect the ability to park a car in the garage.

C Purcell commented that with the new roof, there was an attic space and when looking at the height from the front, the new roof appeared to have doubled the size of the house with the new addition. She asked if there was a way to reduce the height and if the height of the attic could be cut down if it was not being used for storage.

Dave Hernandez answered that part of the design was that the first story roof was an attempt to break up the second story. Purcell said that her concern was the elevation of the roofline. Hernandez said that it could be dropped about 8-12" in height. The extra height was because a part of the roof was vaulted.

MOTION: By C Wiecha, seconded by C Purcell, to approve a Single-Family Design Review at 1840 Robin Whipple Way

Ayes: Gibson, Petersen, Wiecha, Torre, Purcell, Mathewson

C Mathewson announced that the item may be appealed to the City Council within 10 days.

Public Hearing - 1816 Oak Knoll Drive- To consider a variance application to allow an existing deck to encroach into the required 15-ft. rear yard setback. The applicant proposes to reduce the size of an existing non-conforming deck expansion to encroach into the required rear yard by approximately 4 feet where the current encroachment is 7 feet. (Appl. No. 01-0001); APN: 044-064-090; Zoning: R-1B (Single Family Residential); CEQA Status; Exempt; Yuri Sirenko, Applicant/Owner

C Mathewson said he had to recuse himself from the hearing because he lived about fifty feet away from the property line.

PP de Melo summarized the Staff Report and history of the property.

C Gibson asked what would happen if the Commission denied the application. PP de Melo answered that the original six-foot deck would be allowed with the one-foot encroachment. C Gibson then asked for a description difference between a balcony and a deck. CDD Ewing responded that a balcony is defined in the zoning code but a deck is not. A balcony is an enclosed platform projecting from an exterior wall of the building and open to the sky. A deck is more than a projection and is supported from underneath.

C Torre asked a legal question about special privileges. FAR ratios in a neighborhood could be inconsistent at times. She wondered how many properties have to be affected in order for it to need be considered a special privilege. CA Savaree said that variances were supposed to be difficult to obtain because the applicant was asking the City to vary from what it had determined in the Zoning Ordinance. Variances were usually only upheld when the property had a unique feature where it was almost essential to vary in order to utilize the property.

C Wiecha asked what percentages of lots in Belmont have a seventy foot depth similar to this property. She said that when looking at the City map, she could not find many with lots less than one hundred feet. PP de Melo said that it was not a majority of the lots but this was a sub-standard lot. The minimum lot size was five thousand square feet in the lowest zone. The standard lot size was six thousand square feet, however this was not the only lot in this area with this problem. CDD Ewing said the commission must consider whether this was not only a unique circumstance but whether it also resulted in hardship or denial of fair use.

C Torre asked what the height was of the neighboring property's deck in comparison to the height of the deck in question. PP de Melo said that each home has two decks and that the height of the deck at 1816 is three feet greater than the same level deck at 1814 Oak Knoll. On the main level deck, there was a difference in heights, but on the top floor, the decks are the same height. A rough angle of the view into the neighbor's window and potentially into the bedroom at 1814 was shown.

Yuri Sirenko, owner/applicant, described and commented on the project.

C Wiecha confirmed with Sirenko that since his neighbor previously remodeled, that neighbor has access to his property that Sirenko does not have even though they have similar lots. She had visited the property herself and looked at the deck prior to his invitation.

C Gibson said that he too has visited the property and the neighbor's property.

Open Public Hearing.

Russ Mason, 1917 Hillman, wanted to go on the record as saying that he suggested approval of the Variance. He had no problem with the deck or it encroaching on his house.

Mrs. RoxannaOaxanna Sirenko requested a variance for the property.

Steve Eckert, 1814 Oak Knoll, stated that he opposed the project due to the findings, and not because of personalities, how the deck was currently used, or if there was deck-to-bedroom visibility. His concern was that once the deck was permanent, it could be used in any way, by anyone. He felt as though he was attacked at a Council meeting last year by the Sirenkos about supposedly having illegal dwellings, which Building Official Joe Cyr later inspected and concluded did not exist. He stated that in actuality, the two decks are actually about four to four and a half feet different in height or equal to about waist height. The 1816 deck was at the living room level, which was about four feet above the 1814 living room level. Both neighbors have their second decks eight feet above the bottom one, which meant that the 1816 top deck was four feet above the 1814 top deck. This had affected his view because when he looked out his windows, he saw people instead of trees.

He asked the Commission if they would allow this variance if the deck had not already been built and he thought that the "grandfather clause" only made those who built illegally look more deserving than those who followed the rules in the first place. He quoted Zoning Ordinance 17.3.1, and he felt that the City had an obligation to abate public nuisances, no matter who built the deck. The City Council voted last year that the deck in question was detrimental. Considering that the City Council overrode the Commission's decision on this unanimously showed their strong opinion, and he felt they were unlikely to change their votes. City Council had recently asked why enforcement action had not been carried out yet, although he did not know the resolution number.

Mr Eckert went through and argued each of the findings, mentioning how different the two Staff Reports were. He did think that this year's Staff Report was an improvement and was more inline with the City Council's policy. He felt that this issue was centered on desirability, not usability. He said that a finding that was missing in the Staff Report was the resolution from the City Council last year, which stated "Granting of the exception would be detrimental to adjacent property and properties in the vicinity." Both neighbors have the same backyard access and the only difference was that 1816 is not landscaped. He believed his neighbor to have plenty of room on the deck and thought it was an unsafe deck. When the Sirenkos bought the house, it was an "as-is" sale, which meant that the lower price reflected some defects. The deck addition would also block the view of the down-slope neighbors. The deck was partially covered by the upper deck, which was living space and counted in as square area footage. Lastly, he wants the deck to return to the "as-is" state.

C Purcell asked when Eckert bought the house and why he filed the complaint in 1999. Eckert bought the house in 1990 and filed the complaint in 1999 because there were large crowds of people on the deck late at night. He believed that there was a chance that the 1816 deck could collapse. He had received a variance in 1992 to finish the ground floor of his house, in which he added five to seven hundred square feet. Purcell pointed out that Eckert wanted the Sirenko project to be denied the same Variance that Eckert himself was granted a decade ago. C Purcell asked if Eckert knew the amount of grading that was used for his addition. Eckert said he did no grading and changed no foundation, he just had to hang beams and build walls.

C Torre asked how much grading was involved inclusive of the patio. Eckert said there were two, three foot high retaining walls and he took the thirty percent slope until he got a three foot retaining wall below the patio. He had simply redistributed dirt but did not have to take any off of the property.

C Torre stated that she felt like they were being asked to settle a rising dispute between the two neighbors. Mr. Sirenko was upset that the City Council denied him while Eckert had more living space downstairs.

MOTION: By C Torre, seconded by C Gibson, to close the Public Hearing.

Motion Passed.

C Gibson commented that the applicant had been through a lot with this project. He didn't see a big privacy issue between the two decks and there was only a slight difference between the downstairs living space. He

believed it comes down to findings, and whether it would be a special privilege to grant the Sirenko's approval.

C Purcell said that the Commission couldn't address personal issues on either side. Their emphasis was on the physical structures and impact. The difference in Staff Reports came down to the complex findings. It was unanimous at one point and she disagreed with the findings at this point, which she went through them individually. She related the issue to her personal housing situation and stated that she and the Ekert's Ekerts both bought their lots knowing that they were small lots and there would be consequences to this. She had no intent on changing her initial vote.

C Torre said it was a hard issue and a close call, which was probably why the findings are so different from last year to current. She thought that the Commission was trying to have consistency with their decisions. She was inclined to grant the request because in the past year they have granted Variances to other like projects. She didn't think that it was precedent setting for new properties or other properties in the vicinity. Her final point was that she did not want to set a precedent for all sub-standard lots saying that Variances would be granted.

C Petersen said that she agrees with the Staff Report.

C Wiecha said that this was a very different project than the one that the Commission looked at a year ago. The encroachment was approved and the existing one has been reduced by fifty percent. She pointed out that this whole issue was only about three feet of encroachment. She had concerns that Ekert had problems with this issue. She thought that the Sirenko's had put out an effort with the neighbors and had brought forward a reasonable solution to a problem situation. She also noted that the Sirenko's had forty-five supporting signatures and only one dissenting neighbor. She thought that reasonable use of the property included having some outdoor space to enjoy in the surroundings to their home. The Sirenko's only other choice was to apply for a Variance for more living space to accumulate reasonable access to the yard, a step that would most likely be denied by the Commission. She did not think that a six foot wide deck was enough space to have a meal or gathering. She thought that without one of the Variances, they would not have any reasonable use of outdoor space within their property. Possibly they could put a staircase on the side, but it would be quite a challenge to get to because it would include sixty steps over thirty feet. She felt that this was what made it a special condition.

CDD Ewing stated that if the motion passed with the factors of special circumstance, then at the next meeting, staff would bring back a resolution to be voted on when the Commissioners could see the language. He said that when it was brought back, the Conditions of Approval would be with it. He informed the Commission that with the final approval action was when the appeal process would begin. Tonight, the motion was approving that staff could bring back a motion for final adoption at the next meeting.

MOTION: By C Torre, seconded by C Purcell, to approve a Variance at 1816 Oak Knoll Drive.

Ayes: Purcell, Torre, Wiecha

Noes: Gibson, Petersen

Abstain: Recuse: Mathewson

Absent: Parsons

C Purcell announced that the item may be appealed to the City Council within 10 days from the final action of the revised resolution.

CDD Ewing stated that Chair Parsons would have to listen to the tapes, read the Staff Report, and look at the project in order to be able to vote on it at the next meeting.

Public Hearing – Amendment to Zoning Ordinance: To consider an amendment to the Belmont Zoning Ordinance regarding the establishment of 'Library' as a use in the Agriculture and Open Space (A) Zone. The amendment will consider adding said use as permitted by right or as conditionally permitted.

CDD Ewing stated that the 'Library' was not a time sensitive issue and could be continued to a later meeting. CDD Ewing handed out a draft of the agenda for the Joint Meeting with the City Council, in which three of the four items that the Commission recommended were on, added the issue of excess grading, and dropped the update on the San Juan Plan. The Joint Meeting begins at 6pm.

MOTION: By C Purcell, seconded by C Wiecha, to continue the Public Hearing to May 15, 2001.

Motion Passed.

MOTION: By C Mathewson, seconded by C Wiecha to close the Planning Commission Meeting.

Motion Passed.

REPORTS, STUDIES, UPDATES AND COMMENTS: None

ADJOURNMENT:

The meeting adjourned at 1 a.m. to a regular meeting on May 15, 2001 at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment